

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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Court Minutes

January 21, 2008

There are no minutes for this date.

January 22, 2008

At 9:30 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Scotland, Presiding Justice; Raye, Associate Justice; Cantil-Sakauye, Associate Justice; and Horner, bailiff.

C054168 CALIFORNIA PUBLIC EMPLOYMENT RETIREMENT SYSTEM et al. v. THE SUPERIOR COURT OF SACRAMENTO COUNTY; TROBEE

Cause called. Thomas M. Dyer argued for petitioners. There was no appearance made for respondent. Cause submitted.

At 9:50 a.m., the court recessed. At 9:53 a.m., the court reconvened with Blease, Associate Justice; Sims, Associate Justice; and Hull, Associate Justice.

C055129 ESSEX INSURANCE COMPANY v. SOVEREIGN GENERAL INSURANCE

Cause called. Edmund G. Farrell argued for appellant. Raul V. Aguilar argued for respondent. Cause submitted.

At 10:06 a.m., the court recessed. At 10:13 a.m., the court reconvened with Nicholson, Associate Justice; Morrison, Associate Justice; and Cantil-Sakauye, Associate Justice.

C051744 CAPITOL RACING v. CALIFORNIA HORSE RACING BOARD; LOS ALAMITOS QUARTER HORSE RACING ASSOC. et al.

Cause called. Edward Freidberg argued for real parties in interest and appellants Los Alamitos Quarter Horse Racing Assoc. George M. Wallace argued for real parties in interest and appellants Pacific Coast Quarter Horse Racing Assoc. Gregory S. Markow argued for respondent. Cause submitted.

At 10:40 a.m., the court recessed. At 10:44 a.m., the court reconvened with Sims, Associate Justice; Davis, Associate Justice; and Morrison, Associate Justice.

C053992 GOODFIELD v. SUGAR BOWL CORPORATION

Cause called. Robert Burch argued for appellant. Mark D. Tokunaga argued for respondent. Cause submitted.

At 11:05 a.m., the court recessed. At 11:08 a.m., the court reconvened.

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Court Minutes

January 22, 2008, continued

C053728 WILKES v. WILKES et al.

Cause called. Stephanie J. Finelli argued for appellant. Gary Fitzpatrick argued via telephone for respondents. Cause submitted.

At 11:23 a.m., the court recessed. At 2:00 p.m., the court reconvened with Blease, Associate Justice; Morrison, Associate Justice; and Cantil-Sakauye, Associate Justice.

C051908 YOUNG et al. v. CODY et al.

Cause called. Michael B. Ijams argued for appellants. Richard M. Archbold argued for respondents. Cause submitted.

C052705 VANACORE et al. v. HUCKABY

Cause called. Jerry P. Huckaby argued for appellant in pro per. William W. Palmer argued for respondents. Cause submitted.

At 2:34 p.m., the court recessed. At 2:36 p.m., the court reconvened with Sims, Associate Justice; Morrison, Associate Justice; and Cantil-Sakauye, Associate Justice.

C055155 In re J. G. on Habeas Corpus

Cause called. Michael Satris, court appointed counsel, argued for petitioner. Yun Hwa Harper, Deputy Attorney General, argued for respondent. Cause submitted.

At 3:02 p.m. court recessed, until February 19, 2008 at 9:30 a.m.

C049751 THE PEOPLE v. PHAM et al.

(Not For Publication)

C049992 THE PEOPLE v. NGUYEN

Lamson Pham's abstract of judgment is modified to reduce the count 3 firearm enhancement to eight years, four months to life. The trial court is directed to prepare and transmit a certified copy of the modified abstract of judgment to the Department of Corrections and Rehabilitation.

The judgments are otherwise affirmed.

SIMS, Acting P.J.

We Concur: Morrison, J.

Hull, J.

C051108 THE PEOPLE v. GILL

(Certified For Partial Publication)

The judgment is affirmed.

CANTIL-SAKAUYE, J.

We Concur: Blease, Acting P.J.

Morrison, J.

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Court Minutes

January 22, 2008, continued

- C051976 THE PEOPLE v. HUFF (Not For Publication)**
The trial court shall prepare an amended abstract of judgment that sets for the correct statutory violation for attempted murder ... and to forward a certified copy of the amended abstract to the Department of Corrections and Rehabilitation. As modified, the judgment is affirmed.
BUTZ, J.
We Concur: Morrison, Acting P.J.
Robie, J.
- C053363 THE PEOPLE v. HOUK (Not For Publication)**
The judgment is affirmed.
BLEASE, Acting P.J.
We Concur: Sims, J.
Nicholson, J.
- C053974 THE PEOPLE v. GLASER (Not For Publication)**
The judgment is reversed and the cause is remanded for further proceedings, at which the trial court is directed to make a determination with respect to whether there was probable cause to search the safe in the absence of defendant's consent. In the event the trial court grants the motion to suppress, defendant shall be allowed to withdraw his no contest plea. In the event the trial court denies the motion to suppress, the trial court shall resentence the defendant.
SIMS, J.
We Concur: Scotland, P.J.
Cantil-Sakauye, J.
- C054754 THE PEOPLE v. DAILEY (Not For Publication)**
The judgment is affirmed.
DAVIS, Acting P.J.
I Concur: Morrison, J.
I dissent...
Hull, J.
- C054960 THE PEOPLE v. RODRIGUEZ (Not For Publication)**
The judgment is affirmed. The trial court is direct to amend the abstract of judgment to properly reflect that the prison terms in counts two and four are *not* "consecutive full terms," and to forward the amended abstract to the Department of Corrections and Rehabilitation.
CANTIL-SAKAUYE, J.
We Concur: Blease, Acting P.J.
Morrison, J.

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January 22, 2008, continued

**C053873 DENTAL BOARD OF CALIFORNIA v. (Not For Publication)
MILLER**

The judgment (order) is affirmed.

BLEASE, Acting P.J.

We Concur: Morrison, J.

Cantil-Sakauye, J.

**C055621 In re NATHAN L.; THE PEOPLE v. (Not For Publication)
NATHAN L.**

The order committing the minor to the Department of Corrections and Rehabilitation, Juvenile Justice, for the maximum term of four years six months is reversed. The juvenile court is directed to set a maximum term of physical confinement based on the facts and circumstances of the case and to award the minor 407 custody credits. An amended order shall be prepared and forwarded to the Department of Corrections and Rehabilitation, Juvenile Justice.

BLEASE, Acting P.J.

We Concur: Sims, J.

Hull, J.

**C052801 THE PEOPLE v. CURRY et al. (Certified For Publication)
THE COURT:**

It is ordered that the opinion filed herein on December 31, 2007, be modified ...

This modification does not constitute a change in the judgment. Appellant Russell's petition for rehearing is denied.

SIMS, Acting P.J.

Hull, J.

Cantil-Sakauye, J.

**C055352 SEFFENS v. WASHINGTON UNIFIED SCHOOL DISTRICT
C055796 SEFFENS v. HIGMAN
C055797 SEFFENS v. WASHINGTON UNIFIED SCHOOL DISTRICT
BY THE COURT:**

The stipulation for consolidation of the above cases is granted. The cases are ordered consolidated for all further appellate procedures except that they will retain their respective case numbers. ... The cases will be considered for decision together.

Appellant's combined opening brief is to be served and filed by February 22, 2008. Respondents' combined briefs are due 30 days thereafter, and appellant's combined reply brief is due 30 days thereafter.

SCOTLAND, P.J.

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Court Minutes

January 23, 2008

- C052437 THE PEOPLE v. PORTER (Not For Publication)**
The judgment is affirmed.
BUTZ, J.
We Concur: Raye, Acting P.J.
Morrison, J.
- C053616 THE PEOPLE v. GARZA (Not For Publication)**
The judgment is affirmed.
CANTIL-SAKAUYE, J.
We Concur: Scotland, P.J.
Hull, J.
- C055679 THE PEOPLE v. MULVANEY (Not For Publication)**
The judgment is modified to award defendant 92 days of presentence custody credits (62 actual and 30 conduct). As modified, the judgment is affirmed. The trial court is directed to amend the minute order and order of probation to reflect the modification, and to send a certified copy of the amended order to the Sacramento County Probation Department.
BUTZ, J.
We Concur: Davis, Acting P.J.
Raye, J.
- C054249 BOWLER et al. v. EDMUND G. BROWN, JR., as Attorney General, etc. (Not For Publication)**
The judgment is affirmed. The Attorney General shall recover his costs on appeal. ...
NICHOLSON, Acting P.J.
We Concur: Hull, J.
Robie, J.
- C055711 VERGA v. WORKERS' COMPENSATION APPEALS BOARD; UNITED AIRLINES et al. (Certified For Publication)**
THE WCAB's order denying compensation is affirmed. The parties shall bear their own costs on appeal.
SCOTLAND, P.J.
We Concur: Sims, J.
Nicholson, J.

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Court Minutes

January 24, 2008

MISC. ORDER 2008-002

BY THE COURT:

Associate Justice Ronald B. Robie is appointed to serve as Acting Presiding Justice to discharge the duties described in the California Rules of Court, rules 10.1004, 10.1012, and 10.1016, during the absence of the Presiding Justice from the court on January 30, 31, and February 1, 2007. Associate Justice M. Kathleen Butz is appointed to serve as Acting Presiding Justice to discharge the duties described in the California Rules of Court, rules 10.1004, 10.1012, and 10.1016, during the absence of the Presiding Justice from the court on February 4, 2007, or until his return. See Cal. Const., art. VI, §3.) The senior member of a panel of the Court is designated the Acting Presiding Justice of that panel during the absence of the Presiding Justice.

SCOTLAND, P.J.

C052464 THE PEOPLE v. HARPER (Not For Publication)

The judgment is reversed.

ROBIE, J.

We Concur: Davis, Acting P.J.

Raye, J.

C052659 THE PEOPLE v. LANDIS (Not For Publication)

The trial court judgment is affirmed.

MORRISON, J.

We Concur: Sims, Acting P.J.

Robie, J.

C054017 THE PEOPLE v. STUART (Certified For Publication)

The judgment is affirmed.

ROBIE, J.

We Concur: Blease, Acting P.J.

Morrison, J.

C054177 THE PEOPLE v. VANG (Not For Publication)

The trial court is directed to prepare and forward to the Department of Corrections and Rehabilitation a new abstract of judgment consistent with this opinion. In all other respects, the judgment is affirmed.

MORRISON, J.

We Concur: Blease, Acting P.J.

Raye, J.

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January 24, 2008, continued

- C054280 THE PEOPLE v. HERBERT (Not For Publication)**
The appeal is dismissed.
RAYE, J.
We Concur: Davis, Acting P.J.
Robie, J.
- C054441 THE PEOPLE v. KENYON (Not For Publication)**
The judgment is affirmed. The trial court is directed to prepare and forward to the Department of Corrections and Rehabilitation a new abstract of judgment.
MORRISON, J.
I Concur: Davis, J.
I concur in the opinion except for part II where I concur in the result.
Sims, Acting P.J.
- C054770 THE PEOPLE v. FRANZ (Not For Publication)**
The judgment is affirmed and the cause is remanded for a new sentencing hearing.
MORRISON, J.
We Concur: Sims, Acting P.J.
Davis, J.
- C054844 THE PEOPLE v. O'KEEFE (Not For Publication)**
The judgment is affirmed.
MORRISON, J.
We Concur: Blease, Acting P.J.
Robie, J.
- C056747 THE PEOPLE v. JEWETT (Not For Publication)**
The judgment is affirmed.
HULL, J.
We Concur: Davis, Acting P.J.
Nicholson, J.
- C052955 AVENI v. BOARD OF CHIROPRACTIC EXAMINERS (Not For Publication)**
The judgment is affirmed.
MORRISON, J.
We Concur: Davis, Acting P.J.
Hull, J.

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January 24, 2008, continued

**C054241 VESTRA RESOURCES, INC. v. (Not For Publication)
 THOMPSON et al.**

The judgment of the trial court enforcing the arbitration award is reversed and the matter is remanded to the trial court for entry of a new judgment denying enforcement of the award. Defendants are awarded their costs on appeal.

HULL, J.

I Concur: Cantil-Sakauye, J.

I respectfully dissent. ...

Sims, Acting P.J.

January 25, 2008

C053187 THE PEOPLE v. PERRAULT (Not For Publication)

The order directed defendant to reimburse the county for costs ... is stricken. In all other respects, the final judgment ... is affirmed.

BUTZ, J.

I Concur: Blease, Acting P.J.

I respectfully dissent. ...

Nicholson, J.

C054234 THE PEOPLE v. MCGUIRE (Not For Publication)

The clerk of the Superior Court is directed to amend the abstract of judgment to reflect an aggregate prison term of four years The clerk shall forward the amended abstract of judgment to the Department of Corrections and Rehabilitation. In all other respects, the judgment is affirmed.

BLEASE, Acting P.J.

We Concur: Davis, J.

Cantil-Sakauye, J.

C054666 THE PEOPLE v. SALAZAR (Not For Publication)

The judgment is affirmed.

BLEASE, Acting P.J.

We Concur: Davis, J.

Nicholson, J.

C056239 THE PEOPLE v. ROBINSON (Not For Publication)

The judgment is affirmed.

RAYE, J.

We Concur: Davis, Acting P.J.

Butz, J.

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January 25, 2008, continued

- C053377 MEINHARD v. CREASY (Not For Publication)**
The judgment is affirmed. Creasy is awarded his costs on appeal. ...
BUTZ, J.
We Concur: Scotland, P.J.
Morrison, J.
- C056135 In re R.L.; YUBA COUNTY HEALTH AND (Not For Publication)**
HUMAN SERVICES DEPARTMENT v.
M.L.
The order terminating parent rights is vacated and the matter is remanded for the limited purpose of considering whether ICWA notice should have been sent to the Pascua Yaqui Tribe and the Blackfeet Tribe. If the court determines that further notice is required, it shall order that notice be provided and thereafter proceed as required by state law. If the court determines that no further notice is necessary, all previous findings and orders shall be reinstated and the judgment shall stand affirmed.
CANTIL-SAKAUYE, J.
We Concur: Raye, J.
Morrison, J.
- C055711 VERGA v. WORKERS' COMPENSATION (Certified For Publication)**
APPEALS BOARD; UNITED AIRLINES
et al.
THE COURT:
It is ordered that the published opinion filed in this case on January 23, 2008, be modified ...
This modification does not change the judgment.
FOR THE COURT:
SCOTLAND, P.J.
Sims, J.
Nicholson, J.
- C050332 THE PEOPLE v. MATYE**
BY THE COURT:
Appellant's petition for rehearing is denied.
SCOTLAND, P.J.